

REMARKS

Rejection of claims 1-30 is maintained under 35 U.S.C. § 102(a) over U.S. Patent No. 6,324,644 to Rakavy, et al. (hereinafter, "Rakavy"). Specifically, the method of claim 1 includes selectively loading either a first module of the basic input/output system (BIOS) or a second module of the basic input/output system based on a system state that indicates a connection to a network. However, the Rakavy reference teaches two different BIOS one of which detects and loads the other regardless of system state that indicates a connection to a network. Therefore, the Rakavy reference fails to teach or otherwise suggest selective loading of one of two modules of BIOS based on a system state that indicates a connection to a network.

In the Rakavy reference, conventional BIOS 500 detects and loads the network enhanced BIOS 600. In this way, one type of BIOS detects and loads the other type of BIOS instead of one module of two different modules of the same BIOS is selectively loaded based on a system state that indicates a connection to a network. Thus, the system of the Rakavy reference fails to anticipate claim 1 limitations. Accordingly, the Examiner is respectfully requested to reconsider the Section 102 rejection of claim 1 as claim 1 is in condition for allowance.

More specifically, in column 6, lines 35-38, the conventional BIOS 500 detects and loads the network enhanced BIOS 600 to give control to the network enhanced BIOS 600. Use of a system state that indicates a connection to network for detecting and loading the network enhanced BIOS 600 is absent.

The Examiner cites column 7 and 8 for the use of system state. However, in column 7, lines 60-65, for initial transition from the conventional BIOS to the network enhanced BIOS 600, an iterated process of interoperations switching is taught and disclosed in which BIOS saves its states. Likewise, a kernel saves its states in column 8, line 9. The BIOS again saves its state 860 on column 8, line 21 and the kernel restores its saved state 870 on line 22. However, there is no teaching or suggestion as to selectively loading either a first module of the BIOS or a second module based on a system state that indicates a connection to a network. In fact, this multiple

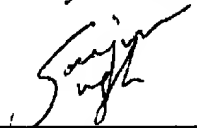
state savings occur only during transition from the conventional BIOS code to the network enhanced BIOS.

Based on the rationale as set forth above with respect to claim 1, independent claims 10 and 22 are also in condition for allowance. Accordingly reconsideration of their rejection is respectfully requested. The rejection pertaining to the dependent claims by the Examiner has been noted. However, to the extent that characterizations of the cited reference as to the Applicant's claimed subject matter are not specifically addressed, it is to be understood that the Applicant does not acquiesce to such characterizations, especially in the light of the remarks presented above. The Examiner is requested to reconsider all pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: March 23, 2004

  
Sanjeev K. Singh under 37 C.F.R. § 10.9(b)  
Registration No. 28,994  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]

Customer No.: 21906

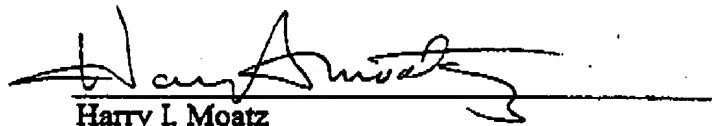
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Dr. Sanjeev Kumar Singh is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Trop, Pruner & Hu, P.C., to prepare and prosecute patent applications for clients of Trop, Pruner & Hu, P.C. in which a member of Trop, Pruner & Hu, P.C., is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Dr. Sanjeev Kumar Singh ceases to lawfully reside in the United States, (ii) Dr. Sanjeev Kumar Singh's employment with Trop, Pruner & Hu, P.C. ceases or is terminated, or (iii) Dr. Sanjeev Kumar Singh ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: January 14, 2005**

  
Harry L. Moatz  
Director of Enrollment and Discipline